

REMARKS

This application has been carefully reviewed in light of the Office Action dated May 18, 2007. Newly added Claims 11-20 are now presented for examination in place of Claims 1-10, which have been canceled without prejudice or disclaimer of subject matter. A substitute specification (including abstract) is submitted herewith in both a marked and a clean version; no new matter has been added. Claims 11, 19 and 20 are independent.

In the Office Action, the Examiner noted a typographical error in the specification, and objected to the drawing as containing several reference characters not present in the specification. The amendments made to the specification are believed to obviate these objections, withdrawal of which is respectfully requested.

Claim 10 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In drafting new Claim 20, Applicant has adopted the Examiner's suggestions for overcoming this rejection, and accordingly, it is submitted that Claim 20 complies fully with the requirements of Section 101.

Claims 1, 2, 4 and 8-10 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication 2002-0122194 A1 (Kuwata et al.). In addition, Claim 3 was rejected under 35 U.S.C. § 103(a) as being obvious from *Kuwata* in view of U.S. Patent 6,198,553 (Yamamoto et al.), Claim 5, as being obvious from *Kuwata* in view of U.S. Patent 6,975,437 (Takemoto), and Claim 9, as being obvious from *Kuwata* in view of U.S. Patent 6,629,109 (Ouchi et al.).

It is believed that new independent Claims 11, 19 and 20 are allowable over the prior art, for at least the following reasons.

As explained in the specification, the present invention aims to prevent deterioration of image gradation in an image in which a person is featured prominently. This is done, accordingly to one aspect of the invention, by converting a color space into the color space of which the color gamut is narrow, and to reproduce, with respect to an image (e.g., landscape image) in which vividness is important, the image with vivid color by converting the color space into the color space of which the color gamut is wide.

Independent Claim 11 is directed, more specifically, to an image processing method that comprises determining whether or not input image data represents an image of a person as a subject of the image, and selecting a color space conversion condition from among plural color space conversion conditions, including first and second color space conversion conditions, in accordance with the determination result obtained in the determining step. Claim 11 specifies that the second color space, which corresponds to the second color space conversion condition, has a color gamut wider than a first color space corresponding to the first color space conversion condition, and that, in a case where it is determined that the input image data represents the image of the person as the subject of the image, the second color space conversion condition is selected. The method also comprises performing the color space conversion on the input image data, using the selected color space conversion condition.

Thus, among other notable features of the method of Claim 11, are (i) that it is determined whether or not input image data represents an image of a person as subject of the image, (ii) that a second color space corresponding to a second color space conversion condition has a color gamut wider than a first color space corresponding to a first color

space conversion condition, and (iii) that, in a case where the determination is affirmative, the second color space conversion condition is selected.

Kuwata relates to a system that generates an image file that includes not only image data from a digital still camera, but also related control data and output-specification information as well. The control data is provided to control subsequent processing of the image data based on the color reproduction characteristics of the camera, and according to the photographer's "intention in shooting". *Kuwata* gives various examples. In the first embodiment, the control data includes a color space parameter, which specifies the gamma correction value corresponding to the characteristics of the image generation device (the camera or scanner) and the method of color conversion, based on the width of color reproduction at the camera or scanner, which is assumed to use either an sRGB color space or the NTSC color space (paragraphs [0042] and [0055]). The image generation device is assumed in this embodiment to operate in the RGB system, and one or the other of the two mentioned color spaces is adopted, depending on the type of camera or of scanner.

The control data also includes a color correction parameter, which indicates various parameters regarding contrast, brightness, color balance, and other characteristics that may be specified by the photographer (paragraph [0043]).

The output-specification information may, for example, specify size and type of paper to be used, if the output device is a printer, and the number of copies (paragraph [0044]).

When the image is to be output, the input image data, which has previously been converted into a YCbCr space at the camera (see paragraph [0056]), is converted into the RGB space used in the shooting (step S14 of Fig. 3).

Applicant submits, however, that none of this would teach or suggest “determining whether or not input image data represents an image of a person as a subject of the image;”, as recited in Claim 11, nor has anything else been found in *Kiwata* that would teach or suggest that feature. In the method of Claim 11, the color spaces of the images shot by an identical camera are different from others according to the type of shot image. On the other hand, in the system of *Kiwata*, the color spaces of the images shot by a given camera are always the same. Further, according to *Kiwata*, the image data in the YCbCr space is converted into image data in the original RGB space (that is, into the RGB space selected based on the particular camera). Accordingly, the RGB space after the conversion is a color space that is determined entirely according to the type of camera that is being used, and not based at all on the presence or absence of particular content in the image itself. Accordingly, Claim 11 is believed to be allowable over *Kiwata* for at least that reason.

Moreover, since nothing in *Kiwata* suggests the determining step of Claim 11, certainly nothing in that document could suggest the recited selecting step, which is recited as being performed “in accordance with a determination result obtained in said determining step”. Claim 11, therefore, is believed to be allowable over *Kiwata* by virtue of both of these steps.

Independent Claims 19 and 20 are apparatus and computer-readable medium claims, respectively, corresponding to method Claim 11, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 11.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from Claim 11, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Leonard P Diana/

Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200